

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

GEORGE M. HOLLOWAY,

Movant,

v.

CIVIL ACTION NO. 3:05-0703
(CRIMINAL NO. 3:04-00090)

UNITED STATES OF AMERICA,

Respondent.

MEMORANDUM OPINION AND ORDER

This action was referred to the Honorable R. Clarke VanDervort, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The movant has filed an objection to the Magistrate Judge's findings and recommendation.

The Court, having reviewed, de novo, the pleadings and movant's objection, **ADOPTS** the Magistrate Judge's Findings and Recommendation in part. Based on those findings and the stipulation of the parties before the Magistrate Judge, the Court **GRANTS** Defendant's § 2255 Motion, **REOPENS** the criminal case, **VACATES** the sentence imposed, and **ORDERS** that Defendant be resentenced. The Court **SCHEDULES** resentencing for **December 13, 2010**, at **1:30 p.m.** in **Huntington**. Any sentencing memorandum by either party must be filed on or before **November 29, 2010**.

The Court **DIRECTS** the Clerk to forward copies of this written opinion and order to all counsel of record, and any unrepresented parties.

ENTER: September 29, 2010

A handwritten signature in black ink, appearing to read 'Robert C. Chambers', written over a horizontal line.

ROBERT C. CHAMBERS
UNITED STATES DISTRICT JUDGE